



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

CALVIN J. COBB,  
Plaintiff,

vs.

MRS. ANN HALLMAN,  
Inmate Grievance Administrator, et al.,  
Defendants.

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CIVIL ACTION NO. 0:09-152-HFF-PJG

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ORDER

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This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the motion to dismiss filed by Defendants Avenger, Cobb, and Shelby (Docket Entry 71) be denied, Defendants' motion for summary judgment (Docket Entry 83) be granted, and Plaintiff's motion for summary judgment be denied (Docket Entry 86).<sup>\*</sup> The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

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<sup>\*</sup>The suggestion in footnote 2 on page 1 of the Report regarding the dismissal of certain defendants is a scrivener's error and should be omitted from the Report.

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 2, 2010, but Plaintiff failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report to the extent that it does not contradict this Order and incorporates it herein. Therefore, it is the judgment of the Court that the motion to dismiss filed by Defendants Avenger, Cobb, and Shelby (Docket Entry 71) is **DENIED**, Defendants' motion for summary judgment (Docket Entry 83) is **GRANTED** as to Plaintiff's federal claims, and Plaintiff's motion for summary judgment is **DENIED** (Docket Entry 86).

The Court declines to exercise supplemental jurisdiction over any remaining state claims that Plaintiff has asserted. Therefore, any such claims are hereby **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Signed this 27th day of July, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.